

DOCUMENT RESUME

ED 062 742

EC 041 939

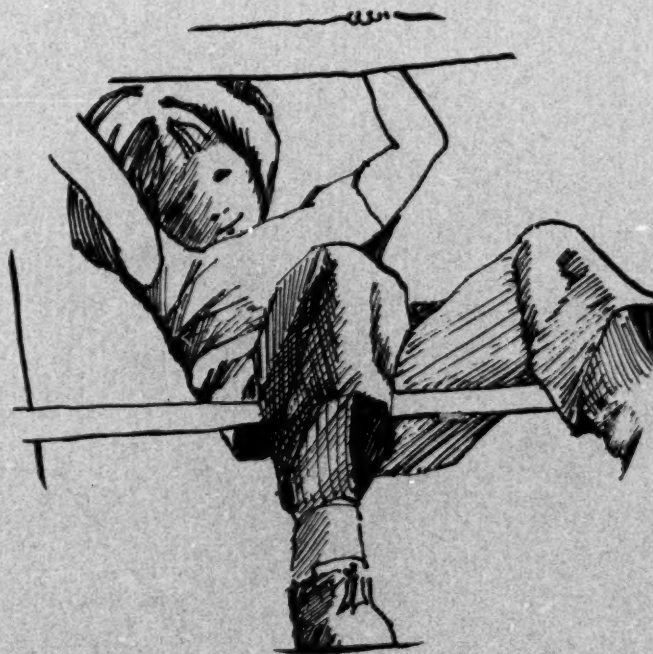
AUTHOR Hensley, Gene, Ed.; Cain, Nancy Ellen, Ed.
TITLE The Education of Handicapped Children.
INSTITUTION Education Commission of the States, Denver, Colo.
SPONS AGENCY Office of Education (DHEW), Washington, D.C.
REPORT NO R-23
PUB DATE May 72
GRANT OEG-0-72-0242(607)
NOTE 34p.; Selected papers and highlights from six regional conferences on State Law and Educational Services for the Handicapped (Fall, 1971)

EDRS PRICE MF-\$0.65 HC-\$3.29
DESCRIPTORS Conference Reports; Educational Needs; *Educational Objectives; *Exceptional Child Education; *Handicapped Children; Legislation; Models; *State Legislation

ABSTRACT

Three selected papers and some additional comments from six regional conferences on state law and educational services for the handicapped are presented. Included are papers by Edwin W. Martin, Associate Commissioner, Bureau of Education for the Handicapped, on the education of handicapped children as a new public priority and by James J. Gallagher on the definition of a handicapped child and the nature of special education. The third paper, by Frederick J. Weintraub, examines issues and recommendations related to state law and the education of handicapped children. Described is a Model Law developed to guide states in improving provisions for handicapped children. Concluding comments summarize discussion highlights and some considerations related to the Model Law. (KW)

THE EDUCATION OF HANDICAPPED CHILDREN



HACHE

Handicapped Children's Education Project

The Education Commission of the States
Report No. 23

May 1972

TASK FORCE MEMBERS

Chairman: Governor John A. Love of Colorado

Dr. Harold Bergquist, Assistant Superintendent of Schools, Grand Forks,
North Dakota

State Senator John Broxson, Gulf Breeze, Florida

Dr. Leo F. Cain, President, California State College, Dominguez Hills,
California

Dr. James J. Gallagher, Director, F. P. Graham Child Development Center,
University of North Carolina, Chapel Hill, North Carolina

William Gorham, Chairman, Urban Institute, Washington, D.C.

John E. Gray, President, First Security National Bank, Beaumont, Texas

Mrs. Hope Kading, Legislative Chairman for the Idaho Congress of Parents
and Teachers, Boise, Idaho

Dr. Arthur L. Mallory, Commissioner of Education, Jefferson City, Missouri

Dr. Jack Matthews, Chairman, Department of Speech, University of Pittsburgh

John W. Melcher, Administrator, Division for Handicapped Children and
Assistant State Superintendent, Madison, Wisconsin

Mrs. Francis W. Sargent, wife of the Massachusetts Governor and prominent
advocate of early childhood programs, Dover, Massachusetts

James E. Stratten, Chief, Division of Apprenticeship Standards, San
Francisco, California

State Senator James M. Waddell, Jr., Beaufort, South Carolina

U. S. Senator Harrison A. Williams, Jr., Washington, D.C.

EDUCATION COMMISSION OF THE STATES

Wendell H. Pierce, Executive Director

James Hazlett, Director, Elementary and Secondary Education

Gene Hensley, Project Director, Handicapped Children's Education Project

C. D. Jones, Research Associate, HACHE

Nancy Ellen Cain, Staff Assistant, HACHE

THE EDUCATION OF HANDICAPPED CHILDREN

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
OFFICE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY.

Selected papers and highlights from six regional conferences on State Law and Educational Services for the Handicapped, held in the fall of 1971.

A report of The Education Commission of the States
Handicapped Children's Education Program

Edited by

Dr. Gene Hensley

and

Nancy Ellen Cain

The project presented or reported herein was performed pursuant to a Grant from the U.S. Office of Education, Department of Health, Education, and Welfare. However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Office of Education, and no official endorsement by the U.S. Office of Education should be inferred. This project is supported by the Bureau of Education for the Handicapped. Grant Number OEG-O-72-0242(607).

May, 1972

CONTENTS

Forward	iii
New Public Priority: Education of Handicapped Children	1
Edwin W. Martin	
The Handicapped: A Neglected Resource	8
James J. Gallagher	
State Law and Education of Handicapped Children: Issues and Recommendations	15
Frederick J. Weintraub	
Discussion Highlights	26
Introduction: A Time for Change	26
James W. Moss	
Considerations Related to the Model Law	27

FOREWARD

Providing public services for handicapped youngsters has never been a headline educational issue. The outcry from the relatively small group of parents of handicapped children and of trained specialists in the field has not been enough to move state legislatures and school boards to action. And there has been a persistent — though not carefully analyzed — belief that comprehensive programs for the handicapped would be prohibitively costly.

The time is overdue to re-examine the state role regarding education for the handicapped. U.S. Commissioner of Education Sidney Marland has called for adequate programs for every handicapped child by 1980. The federal government won't be able to provide them without substantial state commitment. It would be foolhardy to work toward that 1980 goal without careful planning, without thoughtful analysis of the several fundamental underlying issues.

For example, there should be cooperatively developed and clearly understandable set of definitions of various types of handicapping conditions and their educational implications. Too often the terminology of specialists is so confusing to the public policymaker that productive dialogue is almost impossible. And youngsters become categorized with labels that are stigmas for the rest of their lives.

State law should be carefully examined in light of contemporary findings about the development of the handicapped. In many states, laws make economical and educationally beneficial programs — particularly for youngsters with less severe handicaps — impossible. By requiring a certain number of hours with specially trained staff, for instance, state law may in effect prevent the handicapped from attending regular public school classes. And yet there is substantial evidence that children with many types of handicaps and their more fortunate peers benefit from an integrated classroom situation.

Because the lobby for improved services for the handicapped is ineffective in comparison to that for higher teacher salaries or even state aid for private schools, the handicapped have been cut out of significant budgetary support and — where there are programs — relegated to outmoded and inappropriate facilities. There will never be a stronger movement to improve programs for the handicapped unless disinterested policymakers take it upon themselves to support the cause. It is only right. And the time is now.

Governor Robert W. Scott
North Carolina
ECS Chairman 1971-72

NEW PUBLIC PRIORITY: EDUCATION OF HANDICAPPED CHILDREN

**Dr. Edwin W. Martin
Associate Commissioner
Bureau of Education for the Handicapped
United States Office of Education**

With the beginning of fiscal year 1972, the U.S. Commissioner of Education, Sidney P. Marland, has made the education of handicapped children one of the major stated objectives of his office. And Commissioner Marland has already begun to act on this objective by calling for the development of a national goal of full educational opportunity for all handicapped children by 1980.

There are several reasons for Commissioner Marland's supporting this new public priority. The first is that asking for anything less than an adequate education for handicapped children would be violating their intrinsic rights. We have a long and honorable commitment in the United States to equal educational opportunity for all children, and it is clear that we are nowhere close to fulfilling that commitment to handicapped children and their parents.

A second reason for supporting such a priority is that the handicapped sub-population in the schools is large enough to demand special concern, certainly much larger than most people realize. We estimate from reports of the states that at least ten percent of the nation's school-age children are sufficiently handicapped to require special education, and that of these, only 2.6 million are now receiving any special education services at all. (These figures are based on the age range 5-19 and reflect the fact that handicapped children often require extended elementary and secondary schooling.) Add to these approximately one million children of pre-school age who require special education services, and we have a final figure of some seven million children of whom less than three million are receiving adequate services and half a million are receiving no services at all. The majority of preschool children are, of course, at home. But the remainder of school age children are found in the regular educational system, generally falling further and further behind, becoming increasingly disruptive in the classrooms, ultimately becoming dropouts and candidates for future unemployment, welfare, and in some cases institutionalization.

Thirdly, the obligation of helping "normal" children to accept and adjust to the differences that make other children handicapped is very much the business of the regular schools. All handicapped children are not born that

way; a significant number of them acquire their problems from sickness or accident, and they are poorly equipped psychologically to deal with their new status. Meeting the social needs of handicapped children is in this sense meeting the needs of normal children who may become handicapped, who may become siblings of handicapped, who may grow up to be parents of handicapped children and who are in no way prepared to deal with the problems that imposes.

And finally, for an additional index of need, we commissioned a survey of school districts as part of the development of our computerized information center, and had responses from more than 15,000 school districts. Of these, about half offered special education programming. But the largest majority offered classes only for the educable retarded and therapy only for the speech and hearing impaired — by no means a full range of services for all handicapped children.

With these reasons, too, we must add that we are finally becoming aware of the tremendous burden that is imposed on parents of children who are handicapped, especially emotionally, and multiply handicapped. These children are frequently excluded from all educational opportunity and require endless financial and psychological support. Their handicaps become family handicaps and their parents are faced, sometimes for their whole lives, with an intolerable hardship they should not have to bear alone.

The range of educational opportunity across states is great. If a handicapped child is born in one state he is four times more likely to be educated than if he is born in another state. Some states report less than 20 percent of their handicapped children in special education programming. At the maximum level, one state reports about 75 percent of handicapped children enrolled in special education programs.

Recently I have been encouraged by legislation in Washington stimulated by parents and concerned citizens called the Education for All Bill. The legislation will clarify the mandate that state has for educating all of its handicapped children. Although Washington has a well-developed special education program — in fact, it is the state reporting 75 percent of children served — a survey of school districts to identify children who were not enrolled by the schools quickly came up with approximately 4,000 children now receiving no educational assistance.

Educating the Handicapped Is Successful

In addition to the basic right of a child to full educational opportunity, another reason for a new public priority is that education for handicapped children works. The long held public idea that such educational programs are

a charity activity, a kindly form of society's babysitting, is outmoded and needs to be replaced.

Preschool and early childhood programs for emotionally disturbed children that I have observed in Seattle, Los Angeles and in Washington, D. C. are enormously successful at modifying the disturbing behavior of the youngsters and getting them back into the regular educational programs within short periods of time, frequently less than one year.

The success of educational programming for the blind and for the deaf is now well known. It is possible to point, for example, to the excellent programs of a state school for the deaf in New Jersey which is providing career educational opportunities to every youngster and which has been successful in placing every graduate over the last ten years on a job.

Educating the handicapped works; we are not wasting our time or our money.

Half Million Dollars Saved by Education

It is cost-beneficial to society to invest money in special education. In a recent visit to an experimental school and mental health center in Washington, D. C., I discovered that their staff, which was responsible for screening mental health of the children in preschool and day care centers in that inner city area, estimated that ten percent of the preschool children they saw were going to be unable to successfully enroll or complete the first grade. Their emotional and behavioral problems were so great that they will be headstart or first grade dropouts. If each of those youngsters is faced with institutionalization as an alternative to public school programming, the cost will be at least \$4,000 per year. Over a life time of 60 years, that is approximately a quarter of a million dollars. If the youngsters are not institutionalized, but left to grow up on their own outside of the school system, the likelihood of them becoming involved in crime or other disruptive activity is high.

It may surprise you to know that the cost of keeping a person in jail in many states is higher than the cost of keeping him in an appropriate school or hospital for the retarded or emotionally ill. And so following this route, the cost to society for jail would be even higher, and there would also be the nonquantifiable cost to society of the crimes themselves, the possible toll on human life, etc.

No one needs me to point out the growing problem of welfare costs, but this is clearly another societal alternative for a non-educated emotionally disturbed child. If we were to estimate the costs of the special education class

as an alternative, we could say that the cost might be as low as \$2,500 per year for a good quality program.

An even more startling alternative is the success that model preschool programs have getting these youngsters back into the regular preschool programs or getting them ready within the first grade. In each of three model programs I've visited recently, 70 percent of the children who were judged unable to participate effectively in preschool or first grade programs have been returned to those programs within one year of special educational treatment.

These programs are saving over a quarter of a million dollars per child plus having additional value of preparing the child to profit from school and gain employment. Each child turned around from that kind of fate is worth one-half million dollars or more to society. Even if ten years of special education were required, it would cost \$25,000 rather than \$250,000.

Granted, these costs don't help immediately in the pocket of the school board member who is faced with beginning special education programs which are more costly than the regular class. But we all must be concerned with the over-all societal problems of the states and of the nation. We must be able to take a long range point of view; we must be able to use economic planning tools of systematic kinds of approaches to human problems. We must realize that investments of one positive point in a total life process are enormously cost-beneficial in preventing or reducing expenditures which must come from our society's pocket later on.

Joint Commitment Necessary

We must reaffirm a national commitment to provide full educational services to all handicapped children. We are just beginning the planning which might make such a national commitment a reality. It must be an activity jointly planned by state and local educational agencies in combination with the federal government. There are several major steps which must be taken if we are to reach our goal.

First, each state must make a formal commitment to educate every child in that state. State legislation or long-range plans of the state executive and education agencies should reflect that commitment. Growth toward that goal should be plotted out by objectives year by year over the next decade.

A major assumption in planning this growth is that an increasing number of handicapped children should be educated effectively within regular instructional programs. States should establish diagnostic and teaching resource centers, staffed by trained special education and related personnel who will identify the unique learning behaviors of a handicapped child, work

with classroom teachers to develop strategies for teaching a given child, and assist in providing tutorial and supplemental assistance, appropriate materials, etc. While this program would not replace the need for special classes for certain types of handicapped children, retarded, emotionally disturbed, specific learning disabled, or physically handicapped children, it can be much more effectively integrated into the regular school program than is true at present.

We estimate that one-half of the physically handicapped children in special classes across the United States remain in those classes for non-educational reasons. This reflects a failure to our school systems to come to terms with other physical problems rather than their learning problems.

A second major step should be a commitment to provide preschool opportunity for every handicapped child. Again, this can be done in large measure by including handicapped children in day care and pre-school programs for non-handicapped children, with the supplemental assistance available to the staff of those programs. This special assistance may come from special education personnel, mental health clinics, community speech and hearing centers, etc. Universal pre-school education for handicapped children will result in reduced expenditures in special education, reduced need for institutionalization, and increased language cognitive, emotional and motivational growth in handicapped children.

A third necessary component should be a commitment to develop vocational or career education for every handicapped child. Over the next four years 2.5 million handicapped children will be school-leavers either by graduation or the dropout route. Of that number, less than 1 in 4 will be fully employed or going on to college.

Another 40 percent, that is one million handicapped young people, will be under-employed. Another 25 percent of this population will probably require welfare assistance. It is our belief that with the appropriate career education, coupled with appropriate placement programs, virtually all of these young people can be more fully employed and making productive contributions to society.

A communication system must be developed so that we can share in the progress state-by-state, and so that the successes of one state will add to the momentum of the total movement toward the national goal. Successes in one state will strengthen and reinforce activities in other states.

Federal Cooperation Underway

This unification of purpose at the state level by various groups must be marked in our national efforts as well. In addition to the objectives within the

Bureau of Education for the Handicapped, the Commissioner's new objectives will have Office of Education-wide implications. We can expect complementary objectives in education personnel development, in vocational education, in elementary and secondary education, in the development of Educational technology and Communications systems.

We also will be concerned with developing more effective programming for handicapped children in other HEW organizations. We have begun joint activities with the National Institutes of Mental Health and will in the next few weeks make grants for a number of model child advocacy project designed to help children secure whatever services are necessary for their full development so that they may maximize their potential. Next year, the Rehabilitation Services Administration will join us in funding a second round of child advocacy projects and our efforts are also underway toward cooperative planning with the Rehabilitation Services Administration on Statewide activities.

Development of fuller participation of handicapped children in all of HEW-supported day care and preschool activities is another objective. Ed Zigler, Director of the Office of Child Development, promised to work with us toward this end. Secretary of Health, Education, and Welfare Richardson is interested in developing a disposition among HEW agencies toward planning for the provision of full and comprehensive patterns for the delivery of service at local levels. We are recommending the review of all HEW programs assisting handicapped children to achieve this end: improved, strengthened and coordinated services available when and where they are needed.

Federal Financial Support

Historically, the national government's interest in education of the handicapped began over a hundred years ago with federal support for Gallaudet College and the American Printing House for the Blind. The second step was a long time coming, arriving in the late 1950s in the form of support for training leadership personnel in the area of mental retardation, initiation of the Captioned Films for the Deaf program, and support of research in education of the handicapped under the cooperative Research Act. In the middle 60's we moved for the first time into assistance to the states for the providing of increased educational programming for handicapped children.

In the last decade, federal support has grown from approximately \$1 million dollars to over \$210 million dollars including specific programs for training personnel, research and demonstration, and for grants-to-the states under the Elementary and Secondary Education Act, etc. Despite this rapid progress, the federal support per child is obviously very small, only \$30 per

child — not enough to do the job, but a beginning. Clearly this level of support calls for a catalytic rather than a basic support strategy for the expenditure of federal funds, and we developed a catalytic or multiplier strategy.

Essentially, our problem with lack of funding is a problem of insufficient priority, not insufficient dollars. It has come to my attention that a decrease in the education budget in a nearby county had resulted in the cut-back of transportation services for orthopedically handicapped children. Incredibly, this cut-back in transportation preceded similar cut-backs for non-handicapped children. Such underlying presumption that programming for handicapped children was an extra, perhaps a desirable extra if funds were available, but not a fundamental commitment by the schools.

I think, perhaps, that many members of the general public see handicapped children only in terms of stereotypes — the most severely retarded child, the most manifestly emotionally disturbed child, the most critically physically handicapped child — and while those of us in special education realize that what they are picturing represents only the extreme 5 or 10 percent of the handicapped children, these assumptions make it seem as though special education is a nice thing to do, type of kindly busy-work.

The interactions of these various factors — the recognition of need for additional services, the awareness of the burden on parents, the recognition that the positive public attitudes were critical for the development of additional programming and the general awareness of a need for a more flexible education system which is accountable to the child — have combined to produce a call for more insistent and powerful leadership. It seemed necessary to establish a broader conceptual goal, to develop a statement of a proper course of action, to provide a moral climate in which development of full educational opportunity for handicapped children will become possible.

In urging the development of a national goal of full educational opportunity for handicapped children by 1980, Commissioner Marland is attempting to provide a concept which can bring unity to state, local and federal efforts.

Helping assure the intrinsic right of children to an education in the United States is a noble work. It is a work which reflects the best in the American spirit. If even one child is excluded from school, we are all excluded; if one child is denied his rights, all of our rights are lessened.

THE HANDICAPPED: A NEGLECTED RESOURCE

Dr. James J. Gallagher
Director, Mark Parker Graham
Child Development Center
University of North Carolina

I was extremely pleased to have a chance to present some thoughts at this meeting of the Education Commission of the States because my three years in Washington have changed a lot of my prior attitudes towards politicians and the political process. In those three years, I gained an increasing amount of respect for the politicians who, by and large, struggle manfully against an outmoded political process, and sometimes succeed. Unfortunately, when we prepare to attack long term problems, we have a short term process of planning and budgeting that leaves educator, legislator and administrator frustrated. One only has to watch a legislator who gets elected every two years listening to the presentation of five and ten year plans to observe the different orientations that are involved.

I am also convinced that through the imaginative public policy decisions made during the last ten or fifteen years at both state and federal levels that the life and style of handicapped children and their parents have been immeasurably improved. The chances for even further significant achievements lie immediately ahead if we continue to utilize wisely that political process.

My task this morning is essentially to try to define who it is we are talking about, who is a handicapped child, and what is the basic character of special education. First of all, the handicapped child is one who is different, but whose difference has special kinds of characteristics. After all, a red-haired child is different in the sense that his occurrence in his age group is infrequent, but he's not a candidate for special education. It is those children who have problems that interfere with their educational potential, in processing the information that they receive from the world around them or their ability to respond to it, that we are particularly concerned with.

We are not concerned immediately with the social problems that might have been the basic cause of some of the handicapping conditions. We in special education have the same attitude that the pediatrician might have to public health problems; he urgently wishes that the conditions causing the health problems would be cured, and can work vigorously as a private citizen to help curing them, but at the moment he is faced with a child who is sick and something must be done about that. The special educator is faced with a variety of children who have serious learning problems and something must be done about that, and these are the youngsters who concern us. Not every

CORRECTION:

The Education of Handicapped Children

Page 8

Director should read:

FRANK PORTER GRAHAM CHILD DEVELOPMENT CENTER

Not: Mark Parker Graham

youngster who is poor or comes from difficult home situations is necessarily handicapped, but many will fall into one of the various categories because of their unfavorable start.

I think the first point that has to be made is that this is a truly significant problem in terms of numbers. If one were to find a community that could be called a typical community, in which the number of children per household was about equal, and represented a rough cross-section of this country, you could walk down a block of ten houses and in one of those ten houses there would be a youngster who would classify as handicapped and needing special assistance. One out of ten youngsters, over 6,000,000 children, have a problem severe enough to limit his ability to respond effectively to this complex modern society, unless he gets some special assistance.

Earlier I mentioned that the way in which a child processes information is one model for understanding the range and kind of youngsters that we're talking about. If we think about how we learn new ideas ourselves, we know it is important that we have intact and usable channels for receiving information. We also must be able to process that information, in other words, link the new idea or the new experience with past experiences and be able to reason so to solve problems. Then we must be able to express this information, either through our motor skills or through our speech skills so that we communicate with others. In addition, we have a kind of executive control function that allows us to control our attention so that we are able to focus on relevant information and so that we can control our own impulses and emotions so that they don't get in the way of our learning.

Let us then go back briefly through those four steps: receiving information, processing information, expressing information, and the executive function over attention and emotions, and see how many of the various traditional kinds of handicapped children we can identify.

Information Reception. In the area of the inability to receive information, we find children who are hearing handicapped and visually handicapped. For the child who is visually handicapped, partially sighted or blind, he has a serious problem with much of the information presented to him and special arrangements must be made to rechannel that information so he can understand it effectively.

It is an interesting point that well over 20% of children are visually handicapped in our society in that they need glasses to see with normal activity. They are not classified educationally handicapped because the disorder is correctable with glasses and thus is not an educational problem. Only the one in one thousand children whose visual problem is not correctable is labelled educationally handicapped.

The child who is hearing handicapped has an information reception problem. From an educational standpoint, he is an even greater problem than the visually handicapped child since he cannot develop his expressive speech unless he can hear himself talk — since we learn to talk through hearing ourselves speak. The growth of language which follows upon those two skills also becomes impaired. So in many ways the hearing handicapped child, one out of every two hundred children, is a very serious educational problem.

Central Information Processing. Other children can receive information all right but do not seem to be able to link or associate that information with past knowledge as well as other children. We must link new ideas to old ones for them to be truly useful. That means that a child must have information that he has stored effectively; it also means that he has easy access to the information and events that he has previously experienced. If I tell you that I have been using a gizmo this afternoon, that's not a terribly useful piece of information to you. If I tell you that a gizmo is a kind of combination screwdriver and wrench, then you have a little better idea of what it is. You can link the present information with previous information that you have stored away. Children with major problems in this central processing of information are called mentally retarded. They are often three or four years behind their age mates in these abilities and their school career can be made up of words and ideas like "gizmo" that they don't understand unless a modified program is presented to them.

There are some children who have a special developmental pattern in one specific area such as language or visual perception, while the rest of their development is reasonably normal. These children are often referred to as children with special learning disabilities. At least three or four out of every one hundred youngsters would fall in this category of central process problems.

Expressive Problems. The third area involved those who may be able to receive information, and to process it, but who may have special problems in communicating with others. They may be speech handicapped, such as a cleft palate child or a stutterer or merely a child whose lisp or whose articulation calls attention to itself. Other children who have an expressive problem are those called cerebral palsied or brain injured, who may have defects in both his expression of motor skills, his ability to walk or coordinate his hands, and his ability to speak. About four out of one hundred children have expressive problems.

Control Problems. In addition, we have another group of youngsters that seem to have special problems in the area of motivation or impulse control, of being able to direct their attention consistently on a topic, children who

consistently feel badly about themselves and who do not trust the world around them. These are called emotionally disturbed children. In many cases these youngsters seem to see life and experiences through a prism that distorts the information they do receive. Their reactions to this distorted portrait are often hard for others to understand or accept.

When I grew up in Pittsburgh, I used to ride streetcars a great deal. The streetcar windows were made out of very inexpensive glass so that the outside was a continual picture of wavy inconsistencies and distortions. It always seems to me that this is the way the emotionally disturbed youngster looks at the world. He never quite sees things the way that other people seem them and these distortions cause great problems. About two out of every one hundred youngsters fall into this general class. In addition, there are children who have more than one of these problems. They can be both deaf and blind or a speech handicapped and mentally retarded child. These multihandicapped children are often the most difficult children to plan a good education for.

Out of any one hundred school children there are at least ten who have a severe enough handicap to require special attention if they are to achieve anywhere near their potential. Across the country, less than half of these children are receiving specialized help from specially trained educators. This statistic becomes even more discouraging if one zeroes in on the Southeast. In this region perhaps three out of ten are getting special help.

The Nature of Special Education.

The great diversity of problems within the general population of handicapped children has to be matched with similar diversity of program in order to achieve the goal of satisfaction of individual needs. Special Education is the provision of special techniques, settings, materials and personnel to allow these children an opportunity to reach their maximum potential.

The settings for special education can range from the child's own home, where a homebound teacher could tutor a child bedridden for an extended period of time, to full time institutionalization where large state institutions for the mentally retarded, deaf and blind may provide complete care for the child.

The intensity of the problem determines the degree of removal from the normal program. Some children will benefit from itinerant contacts with speech correctionist or psychologist a few hours a week. Others require a resource room where they go for specialized remediation with a specially

trained teacher. Still others will have a special classroom in a regular school building for specialized instruction.

The general philosophy has been that the child should be removed from the normal educational setting only as far as is necessary to deal with his educational handicaps.

Because of these special problems, the field of special education has pioneered in three or four major educational innovations. First of these would be the development of individualized instruction. Because of their unique problems, it became impossible to deal with handicapped children as groups, but must be met as children one at a time. Even when they are placed in groups, the planning and the programming for them almost has to be done individually. So special education teachers must be trained to carry out this kind of instruction that stresses individual diagnosis and treatment. Special educators also have paid more attention to the important role played by the entire family, and have been aware of the child's developing social and emotional skills, beyond his ability to read and write. His personality, his motivation, his desire to learn became a part of the good special educational program. This concept of thinking about the entire child, and his emotional and social life as well as his academic life, has been, by necessity, a focus of special education. The handicapped child has also been responsible for bringing other professional skills into the educational setting. The talent and knowledge of psychology, audiology, medicine, psychiatry, rehabilitation, and others have been added to the educators, enriching the school and its programming for these and other youngsters. One of the major unsolved problems is the attitude of the regular teacher and educator to these children. Often, special education placement is often *exclusion* masquerading as remediation.

It is not surprising that many educators feel awkward or unskilled when confronted with a handicapped child. Many have gone through seven or eight years of college education without seeing, or receiving special instruction on how to educate, a handicapped child. In most universities, special education courses are still considered electives in the elementary or secondary education curriculum.

While special education is not an easy career, there are great personal advantages of working in the area of the handicapped as many young people are finding out. The young student who is trying to help a cerebral palsied child to walk from one chair to another, or help a mentally retarded child to understand his world a little better, doesn't have to agonize on who he is or whether life is worth living.

Where is the Payoff for Programs for the Handicapped?

One of the frequent questions that are asked of educators these days is the question of accountability, how do we know we are getting our money's worth? The answer in the area of the handicapped can be given on both an economic and a moral basis. There are few areas in this complex and complicated world where one can do something that he or she is virtually assured that it is the right thing to do. If it is the right thing to do, it sometimes turns out to be not the economically profitable thing to do.

In this situation, we have reasonable evidence that help for handicapped children is both right and economically sound. A recent study by Conley addressed the issue of cost benefit analysis on education for the retarded. He suggested that the mildly retarded child as an adult makes as much as forty dollars in income for every one dollar that is spent on his education. If he had to be in an institution, he would be costing taxpayers about four to six thousand dollars a year. Even for the more seriously retarded child, there seems to be some evidence that he can return a dollar for every dollar spent on his special education.

In the area of the deaf and the blind, it is the experience of specialists in this area that special education money well-spent returns economic benefits in terms of more skilled labor and better use of the talents of the individual citizens, to say nothing of the greater freedom given to the parents of the children to achieve their own maximum potential.

But it is not only in dollars earned or saved that one counts the gains of special services, or the losses created by the lack of such special services. The mass murderer, the psychotic assassin, is too familiar a figure in our society. The failure to recognize and treat such problems early, and almost invariably they have been noted early in the lives of these disturbed individuals, results in not only the loss of the potential of the disturbed child, but the snuffing out of the lives of many productive and innocent citizens. When calculating a cost benefit analysis, we should not forget to include what the costs are of *not* providing the service.

This meeting is symbolic of some of the exciting changes that have taken place in education of the handicapped in the past few years. Most special educators recognize that special education prior to World War II was a kind of educational backwater, where, aside from a few outstanding practitioners and teachers, little attention was paid to it. In the past ten or fifteen years, through the intelligent work of Parents' Associations and through the greater interest of people in public life in this set of problems, a great many advances have been made.

- Money has been made available to provide fellowships for students to train in these educational careers.
- New research was funded that allowed us to find alternatives to old practices.
- Funds were made available from the state and federal level to encourage local school systems to begin their own special programs.
- Most exciting to me, is the great current interest in the early education of the preschool handicapped child, sometimes starting as early as one year, to head off the problems or lessen them. At the Frank Porter Graham Center at the University of North Carolina we are currently providing assistance and counsel for a nationwide network of 67 demonstration programs for preschool handicapped children. There are models of how to train parents to help educate their preschool children, how to initiate statewide programs for preschool children, how to deliver comprehensive services to the handicapped in the inner city and in the rural areas. We hope that these Centers will show others what can be done through early training. They provide a possible model for new programs that are starting, they may help shape legislation allowing for preschool programs and provide the enthusiasm necessary for appropriations to follow.

I've tried to abstract briefly who handicapped children, as a collection of children, are. But to those who are parents of handicapped children, or those who have worked with them for a period of time, they never come in groups. They always come in terms of the four-year-old Indian child I saw last week, who was mute; or the youngster who has cerebral palsy who fought for ten minutes determined he would print his name; or the mentally retarded child who bewilderedly faces a world that is becoming increasingly more complex and technical, but who still wants to find a place for himself. In a mass society, where we all tend to feel like IBM cards, these youngsters are always remembered one at a time, and if we can design programs that will provide what they individually need, we will have done them, their parents and ourselves a real service.

I look forward with enthusiasm to our discussions here today and particularly to the kind of productive work that can be done through the teamwork of professional and political allies in this good cause.

STATE LAW AND EDUCATION OF HANDICAPPED CHILDREN: ISSUES AND RECOMMENDATIONS

**Mr. Frederick J. Weintraub
Assistant Executive Secretary
Council for Exceptional Children**

This is the story of a model law, but even more it is the story of seven million handicapped children for whom the law was created.

At present less than half of the nation's seven million handicapped children are receiving the education and related services they need. Of this group, an estimated one million or about 14% have been denied access to any public education at all. Because of fiscal and program limitations these children have been forced to compete with a myriad of cause clammering groups for their equitable right to an education.

Law is the means by which minorities are guaranteed equal rights. Handicapped children need strong protective legislation for the purposes of clarifying state policy to those responsible for providing education and regulating the flow of resources so that they benefit the children for whom they are targeted.

You may ask — why a model? Isn't each state different? Yes, each state is different, and certainly law must reflect the individuality of each state, but handicapped children exist and are denied appropriate educational opportunities in every state. The basic resources needed to change the situation vary little from state to state. The model law is no more than a guide against which to assess your state's laws. It is really two laws. The first is a compulsory school attendance law and the second a comprehensive title for the education of handicapped children. They suggest alternatives you may not have considered, and in some cases they may be exactly what you are seeking for your state.

There have always been handicapped children. Early laws relating to the handicapped were established primarily for the purpose of protecting society from those who were different. Even today state laws provide the mechanism for sterilizing some handicapped persons, preventing them from marrying, denying them the vote, and locking them up in institutions. While our state constitutions call for the establishment of free public schools for the equal benefit of all the people, most states in their compulsory school attendance provisions include clauses which allow for the exclusion of handicapped children from an education that is provided to all other children in the state.

The reasons for excluding these children have never been very clear. At times the children were seen as a physical threat or as being uneducable, and at other times exclusion was for reasons as ludicrous as in the 1919 Wisconsin

Beattie vs. State Board of Education case where a cerebral palsy child who was not a physical threat and who academically was able to compete with the other children was excluded from school because his teacher claimed that his physical appearance "produced a nauseating effect," on the class.

In recent years the states have increasingly passed legislation mandating educational services to some or all of these handicapped children. While over half of the states have passed some forms of such laws, many children are not having their needs met because of the lack of enforcement and implementation capabilities, in such laws.

In 1969 Judge Wilkens of the Third Judicial District Court of Utah in requiring the admission to public schools of two mentally retarded children noted:

"Today it is doubtful that any child may reasonably be expected to succeed in life if he is denied the right and opportunity of an education. In the instant case the segregation of the plaintiff children from the public school system has a detrimental effect upon the children as well as their parents. The impact is greater when it has the apparent sanction of the law. The policy of placing these children under the Department of Welfare and segregating them from the educational system can be and probably is usually interpreted as denoting their inferiority, unusualness, and incompetency. A sense of inferiority and not belonging affects the motivation of a child to learn. Segregation, even though perhaps well intentioned, under the apparent sanction of law and state authority has a tendency to retard the educational, emotional, and mental development of the children."

More recently, the parents of thirteen retarded children in the state of Pennsylvania brought suit in federal court against the state, its agencies, and its school districts for failure to educate all retarded children. The parents argued that the denial of such education was a violation of the equal protection clause of the 14th Amendment of the Constitution of the United States. They said that if education is provided to some it must be provided to all. The court has ordered the state to remedy the situation by requiring that children who have been physically excluded now receive services and that those children inappropriately placed be re-evaluated and be provided a proper education. The court also ordered that children in state schools and institutions for whom little more than custodial care was provided be given education meeting the standards established for the public schools.

Cases similar to these are now developing throughout the country. They reflect the general frustration of these children's parents and others with the progress that is being made by the education system. It appears at this time

that no longer can education be viewed as a privilege for the few but that now it must be a right for all.

Building on this legal principle, the model compulsory school attendance law proclaims that all children are entitled to free public education. It recognizes that there are differences among children, but rather than excluding the handicapped it requires that such children be given the special education assistance that they need.

The first of the ten parts of the comprehensive title establishes state policy for the education of the handicapped.

It charges state education agencies to establish regulations and to supervise the development of programs and services throughout the state. This section emphasizes the preference that handicapped children be served in as normal a setting as possible. Any decision to alter a child's educational status is of great consequence to the child and his family and should only occur after the most serious consideration.

In attempting to deal with the problems of handicapped children the government has historically labeled them, and these labels then to be different from state to state. For example, a child who has limited intellectual function could be legally called mentally retarded, mentally deficient, slow learner, mentally handicapped, or normal depending on where he lives. A child who has difficulty learning to read may be called brain injured, perceptually handicapped, or a variety of other terms. Such labels have two purposes: the first is to identify a group of people to receive special governmental resources and the second is to stigmatize and isolate those who differ from the normal. The handicapped have always lived with the labels and prejudices imposed by their society.

As long as public resources are limited there will probably be a necessity to direct resources to those most in need, and thus labels and categories will continue to be used. However, it is time that the states carefully re-examine their present systems of defining children and determine whether their system stigmatizes children beyond the point which is minimally necessary.

The model law simply defines the handicapped child as a "person who because of mental, physical, emotional, or learning problems requires special education services." Because all children do not require such services, those who do not should not be considered handicapped.

The concept of the right to an education implies the right to an *appropriate* education. Emphasis must be given to placement in a program that meets the child's needs in a manner which deviates from normal as little as possible. A major dilemma facing special education is that given any sample of population the children will have special needs covering the length of the continuum, but rarely does any school district have the resources necessary to

provide the full range of services required to meet these needs. Thus the child is often placed in an inappropriate program simply because it was the only thing available.

The resources that are needed to do the job fall into four general categories: personnel; facilities; instructional materials and equipment; and transportation. The major cost item of any program is personnel, and handicapped children require a wide variety of professional assistance. These persons are often not traditional to education, such as pediatricians, physical therapists, speech therapists, and others. In addition, there is a growing need for non-professional personnel, teacher aides, and others to assist the program. Personnel who work with handicapped children require specialized training. There are presently insufficient numbers of such persons to do the job. Even with the increasing emphasis to serve some handicapped children in regular classroom environments, it will be necessary to train additional competent personnel to teach the handicapped.

The first resource is personnel. The model law establishes a traineeship and fellowship account from which the state education agency can draw to financially assist, through grants, the training of these persons. Such grants would be for fulltime or parttime study at the undergraduate or graduate level. Students would be obligated to work in the state one-half year of service for each academic year of training or would be required to repay all or part of the grant. Provision for in-service training will be discussed later.

The second major resource is facilities. Handicapped children because of their image within the education establishment as second class citizens are often placed in second class facilities — basements of schools, churches and in old and condemned school buildings. The physical conditions that these children have had to endure are inexcusable and often violate health, safety and fire codes, to say nothing of the implications to the learning process and the child's self-image. One great impediment to many handicapped children participating in regular public facilities are the architectural barriers which make their physical access difficult or impossible. Steps, narrow doorways, inadequate lavatory facilities, and other similar problems have made it difficult or impossible for some handicapped persons to participate in the activities occurring in the building. Most states have enacted laws or regulations prohibiting such barriers in new construction, but school administrators are generally unaware of such laws and regulations. Facilities must be designed to not only meet the child's physical needs but his learning needs as well. Programs for the deaf require special audio equipment while some hyperactive children may require distraction free environments. Often the best program with the most competent personnel can fail because of the inappropriateness of the environment in which it is placed.

The third resource is instructional materials and equipment. Handicapped children often require special materials and equipment for their education. Often the materials are expensive and it is financially inefficient for small school districts to maintain the wide variety required. Thus federal and state governments, as well as many local and regional educational agencies, have developed centers to select, purchase, deliver such materials to where they are needed, and train the users of the materials.

The fourth resource is transportation. Handicapped children need to get to school. In many cases they are physically unable to walk and often the school that they attend is a great distance from home. In some cases the children's handicaps require modifications in the buses or other carriers and additional personnel to provide assistance.

As already noted, transportation is included within the model definition of special education. General financial support will be discussed later, however Section 1006 also provides 100 percent state reimbursement for the cost of special buses and other special equipment.

Because handicapped children have limited incidence in the population, many school districts will never have a sufficient number of children requiring similar services to develop an adequate program. In response to this problem, there is a movement to develop administrative arrangements for special education services which go beyond the geographic and population boundaries of one school district. These approaches range from very informal contracting relationships where one district pays tuition for a child to be educated in a neighboring district, to cooperative arrangements where school districts jointly develop services, to very formal administrative units having political and fiscal autonomy from the parent school districts. Regardless of the type of approach utilized, it is imperative that there be a population base sufficient to justify the provision of educational services. For example children with severe vision problems — may require programming on a state-wide or very large regional basis. Most school districts may be able to provide for children with minimal behavioral problems. Severely multiply handicapped children may require services on a multi-state basis.

There has been increasing attention given to the need for more effective evaluation procedures. In a recent court case in California, *Diana vs. State Board of Education*, Mexican Americans charge that their children were being misplaced in special classes on the basis of intelligence tests given in English. Upon re-testing in Spanish the children proved to have normal intelligence. An agreement was reached and state regulations regarding such testing significantly changed.

In the Pennsylvania Association for Retarded Children case discussed previously, children were excluded from school without sufficient evaluation

or due process. Even when appropriate tests are used by the schools they are often unreliable because they have been given by insufficiently trained personnel or because insufficient time was allotted to conduct a thorough evaluation. In order for school districts to plan and develop their services they must know the number of children having varying problems and the geographic distribution of such children. Thus it is imperative that screening procedures be employed, but that more intensive evaluation be given in order to determine the nature of the problems and the type of assistance that is needed. Furthermore evaluation must be an ongoing procedure. It is imperative that all efforts be undertaken to protect the basic civil rights of children. Any adjustment of a child's program is a serious matter and should not be undertaken until parents and their children have an opportunity to exercise all of their entitled rights of due process. Often this is burdensome to the schools, but is certainly in the best interest of the child and thus in the best interest of the school. In this regard procedures should be developed to insure the following:

1. Evaluation on the basis of cultural norms
2. evaluation in the primary language
3. independent evaluation
4. due process hearing with advanced notification, access to appropriate school records, representation by legal counsel, and provision to the parents of all evidence concerning their child:
5. official transcripts and the right to appeal

The model statute establishes procedures for the identification of handicapped children. It has three basic provisions:

1. all schools in the state in accordance with state education agency regulations test and examine all children in their school to identify children with handicaps.
2. provision one applies to private schools, if the children are residents of the state. If not, mutual agreements for such testing can be reached between states.
3. school districts are to keep a current record of all handicapped children residing in the district regardless of where they are receiving their education.

The model statute provides children and their parents or guardians with due process procedures regarding the education placement of the child. Review of an action or omission by state or local authorities is obtainable on the ground that the child has been or is about to be:

1. denied entry or continued in an inappropriate program
2. placed in an inappropriate program

3. denied education services
4. provided insufficient education services
5. provided education by the wrong unit of government

Parents or guardians must be notified by registered mail of any adjustment in a child's education status and informed of their right to a review.

The statute sets conditions for a hearing including:

1. time
2. the parents' right to review data, cross examine witnesses, introduce evidence, obtain an independent evaluation and be represented by counsel
3. criteria for composition of the hearing board
4. administrative and judicial review

The question still remains who will be responsible for guaranteeing handicapped children the education they need. The fact that many of these children are not receiving the education they require is partially due to inter-governmental buck-passing. Local districts hold the state responsible, and the state blames the local district and pleads to the federal government for help, who in turn cries that their role is limited to assistance, not responsibility. Inevitably the parents are forced to shoulder the responsibility.

As early as 1911 some states began passing legislation mandating that local districts educate exceptional children. Over one-half of the states have a form of mandatory legislation. Mandatory legislation over the past decade has been seen by many interest groups as the salvation to the problem. However, there is not a state with mandatory legislation, that has yet fully met the obligations of the mandate. The reason this type of legislation has not been as effective as might be anticipated is that it has often overlooked three very important ingredients:

1. clear delegation of responsibility for implementation and the creation of advocates to monitor and guide program growth
2. strong penalties for failure to comply and
3. adequate state funding

Education is a state responsibility. While states have created local districts to carry out this function, except in Hawaii, the legal mandate must thus be upon the state and transmitted by them to the local school district. It must be the state's obligation to assure each district's compliance.

The model statute requires the state education agency to provide or assure that local districts provide the education handicapped children need. The state education agency is authorized to organize and supervise according to public school regulation and standards education programs for handicapped children in state owned or supported institutions.

The model law creates a procedure for state action when a local school district fails to meet its responsibilities. In this regard there are two procedures: the withholding of part or all general state aid to the district and/or the assumption of the educational program by the state, with costs charged to the district.

It should also be the state's responsibility to assure that programs develop in an appropriate and logical manner. To do this, effective planning must take place.

The model also requires the state education agency to create and keep current a plan for the education of handicapped children. The plan is to include:

1. a census
2. provisions for diagnosis and screening
3. inventory of personnel and facilities
4. distribution of responsibilities
5. criteria for education of handicapped children
6. program standards
7. program for recruiting and training personnel
8. program for the development of facilities

Initial plans must be presented to the governor and the legislature and made available to the public. Annual revisions and status reports are required.

A similar planning procedure is outlined for local school districts detailing the extent to which the district is providing required services and what steps it plans to take for full implementation. Children being furnished an education in state facilities remain a planning responsibility of their school district of residence.

All states have established within the state education agency a position or administrative unit to serve as an advocate for handicapped children and to oversee program development. However, since few of these positions or units are legislatively established, they have a tendency to slide up and down the organization chart, depending on the latest re-organization plan.

To provide a base of responsibility and advocacy, the statute establishes within the state education agency a division for the education of the handicapped. The term division may have varying meanings within state organizational structures. It is the intent of the model to create an administrative structure that has standing in the policy-making of the agency.

The statute establishes an advisory council for the education of the handicapped, including the membership, their terms, and administrative procedures. The council has the following responsibilities:

1. comment on proposed rules and regulations

2. advise the state education agency
3. review the state plan
4. report annually to the governor, legislature, and the public its views on the progress of education of the handicapped

Any law regulating human or organizational behavior is as good as its enforcement procedures. Generally, the penalties for failure to serve handicapped children have been non-existent or counter-productive. It is not a penalty to be denied funds for that which you did not want to do to begin with. If school districts fail to meet their obligations then they must be penalized in a manner that will cause serious discomfort.

Perhaps the most often asked question is aren't education programs for the handicapped expensive? The answer is a simple yes! Compared to the cost of educating a normal child, education of the handicapped is expensive. A recent study found that the cost of special programs for handicapped children varied depending on the learning problems of the child. The cost of educating a speech handicapped child was only 18 percent greater than that of a normal child, while the cost of educating a physically handicapped child was 264 percent greater.

There is also evidence to suggest that demographic factors may effect per pupil costs. A small rural school district having only a few children with hearing problems might find each child's share of the cost of an audiometer to be high compared to a larger school district which could distribute the cost over a larger population. Transportation costs in urban centers are different than those in rural or suburban areas. Personnel costs are also higher in urban areas.

In 1970 the U.S. spent almost \$39 billion on public elementary and secondary education. It is estimated that about 3.3 percent of these funds were expended for handicapped children despite the fact that these children comprise 10-12 percent of the population and the fact that their education is more expensive. It is also estimated that an additional \$2.7 billion was needed during that period to educate these children. Considering the present rate of inflation, it is predicted that the cost of full education opportunity for handicapped children in 1980 will be \$7 billion.

One need only pick up the newspaper or turn on the television to know that there is a serious education finance crisis in this country. Inability to drain more money out of the local property tax is reflected in the fact that in 1970, 50.3 percent of the bond issues voted on for education were defeated. It is also reflected in the recent California supreme court decision that the property tax is an inequitable form of educational financing. If all handicapped children are to be educated, it is folly to assume that the

additional costs to education will be met at the local level. It is apparent that state government must assume all excess costs for the education of such children. However, if equality is to be maintained and if local school districts are to treat such children in a responsible fashion, then they must be held responsible for contributing to the education of the handicapped child that amount which they contribute to the education of the non-handicapped child.

Anyone who works for or with government knows that the power of the purse influences the direction of programs. The states' primary financial involvement in the education of handicapped children has made it and is continuing to make it a significant influencer of local programming. The dilemma is how to establish funding patterns that encourage appropriate programs. Planning must be a major ingredient for programs for handicapped children and the means by which the state holds school districts accountable. It does seem that on the basis of planning, special education programs can be funded on a basis with the state paying excess costs incurred in the implementation of an approved program.

The model statute establishes procedures for state financial aid to meet the provisions of the statute. Aid is provided to the school districts and other entitled public entities for the education of handicapped children in regular school programs, the education of handicapped children in special classes, schools and programs, and corrective and remedial services designed to meet their special needs, and the furnishing of transportation. Such aid shall be determined in the following manner:

1. Handicapped children are counted in the same manner as other children and thus are entitled to the same state aid provided to other children.
2. In addition, school districts and special education services associations are entitled to reimbursement for the excess cost of handicapped children above the cost of pupils in the regular curriculum. This includes operational transportation costs.
3. The state shall reimburse 100 percent of the costs of special buses and equipment used for transporting handicapped children.

We have tried in a very brief period to provide you with a crash introductory course in special education, to review some of the problems facing the field, and to recommend some policy solutions to these problems.

We realize that there are many critical issues confronting government today. We realize that it may be difficult for some to see the problem of educating handicapped children with a sense of priority or urgency.

We hope that in your deliberations as to improving state provisions for handicapped children, that you will keep in mind the following three points:

1. The education of handicapped children is one of the few critical issues facing government today for which the remedy is known. The immediate cost is minimal, and the long-range benefit to society substantial.
2. According to a recent Gallup poll on public attitudes toward education, 80 percent of the respondents indicated that they would be unfavorable to budget reductions for special services to handicapped children. This is a higher level of support than for any other aspect of education. This supports other studies which indicate public willingness to support special education, if given the opportunity to do so.
3. But most importantly, handicapped children have the right to an education. As the Supreme Court has noted:

In these days it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity where the state has undertaken to provide it is a right which must be made available to all on equal terms.

If the goal of full educational opportunity for all handicapped children is to be achieved within the educational lifetime of today's children, it will be because you cared and because you did something about it.

The Council for Exceptional Children is ready to assist you in this endeavor.

DISCUSSION HIGHLIGHTS

INTRODUCTION: A TIME FOR CHANGE

**Dr. James W. Moss
Acting Deputy Associate Commissioner
Bureau of Education for the Handicapped
United States Office of Education**

It was believed that history played a major role in preventing handicapped children from receiving an appropriate education — old laws, old attitudes, and outdated financial support patterns. In view of this, this series of conferences was designed to bring together the political and educational leaders in each state in a way which would wipe out the superstitions of the past and replace them with enlightened law, regulations, and support systems.

We have had here, throughout these six conferences, the right mix of people to effect change. There have been people who know what needs to be done, and there have been people who know how to get things done. What has been accomplished here, and what will be accomplished in your own states, is now up to you. It is not the purpose of the United States Office of Education or the Education Commission of the States to tell you what to do in your individual states. It is our purpose to make you more aware of what is being done and what can be done. It is our hope that you will recognize that more can be done for handicapped children in your states, that you will identify a number of action steps that might be taken, and that you will share these ideas with us.

DISCUSSION HIGHLIGHTS

Participants at the regional conferences were assigned to two different types of small group discussions during the course of each two-day workshop. Individuals were assigned to various groups on the first day to explore, analyze, and discuss existing laws, regulations, and educational programs pertaining to the handicapped.

On the following day, participants were again organized in groups, but this time on the basis of state affiliation. The purpose was to provide them with an opportunity to develop plans for improved legislation relating to the education of handicapped persons. From these state group sessions evolved specific objectives which were presented to the total conference in the form of a state report.

On turning to the major themes of the conference, it is important to emphasize that while objectives differed according to the needs of each state, basic concerns remained the same. Discussion centered around "Considerations Related to the Model Law." An effort was made to include a larger variety of responses in order to illustrate the many points of view which were expressed. It is felt that the following edited suggestions are indicative of the range of responses of the participants. However, as edited responses, they are only representative of the many ideas, concepts, and experiences which were shared in the discussions.

CONSIDERATIONS RELATED TO THE MODEL LAW

In all states, legislation should be mandatory rather than permissive. Penalty clauses seem to be necessary for implementing quality programs consistent with such a mandate.

States should study and consider legislative changes to bring state laws for the handicapped closer to the requirements of the Model Law. Lay people should be involved in this study so that they in turn can reach the legislators.

Exclusion clauses relative to handicapped children must be eliminated from the laws. All too frequently special education legislation does not contain clear cut responsibility for the education of children who cannot be accommodated in the regular education program. Statutes should be revised to move towards the zero reject system (as in the Pennsylvania court ruling) by eliminating the category *whether Educable nor Trainable* in law.

There should be a change in definition of the handicapped from specific to general. Age limits for programs for the handicapped should be both reduced and extended with a zero reject system as the ultimate goal. All programs for handicapped children should begin at the earliest possible age.

Legislation should include the provision of state aid for the construction of facilities needed for special education purposes (resource rooms, learning centers, classroom space, etc.) contingent upon conformity with regional priorities for resource development.

Provisions should be included for review of local district building plans so as to require space for needed special education facilities.

Transportation laws should be reviewed and changed to eliminate inequities suffered by the handicapped.

A mechanism should be developed to identify and report immediately to the appropriate agency after the birth of those high risk handicapped children apparently needing specialized services.

Mandatory requirements should be implemented so that all school districts are required to take a census of all children in their districts for the purpose of identifying the handicapped.

Some participants felt that the model law should be implemented through regulations rather than statutes.

A comprehensive assessment program including educational, medical, psychological, and social factors should be established to include evaluation for each handicapped child, with appropriate follow-up activities culminating in an individual educational plan for each handicapped child.

A prescriptive program for the individual child should serve as the basis for financial support and program approval. This prescription program should be stated in terms of behavioral objectives and program accountability that includes the child, teacher, and prescriptive plan.

Mandatory legislation in special education should include an allotment for funding. The state should provide funds for the education of children in special education.

A state-wide plan should be developed to assure the delivery of educational programs and services to all handicapped children.

There is need of a mandate for parent education to share with parents what services are available and the ways in which they can best function to effect the maximum benefit for the child. The accountability of educators to parents of handicapped children must be supported by a mandate.

Every state should insure that each parent or guardian of a handicapped child has the right to a hearing with the local school board as to why the child is not receiving appropriate educational services. A rights statement should be made available to all parents whose children are classified and for whom changes are being proposed in their educational programs.

**ECS STEERING COMMITTEE
1971-1972**

Chairman

Governor Robert W. Scott, North Carolina

Vice Chairman

Warren Hill, Exec. Dir., Connecticut Comm. for Higher Education

Chairman-Elect

Governor Winfield Dunn, Tennessee

Treasurer

Senator Bennett Katz, Maine

Members

Governor Russell W. Peterson, Delaware
Governor Walter Peterson, New Hampshire
Governor Bruce King, New Mexico
Governor Tom McCall, Oregon
Governor Luis Ferré, Puerto Rico
Governor Stanley Hathaway, Wyoming
Senator D. Robert Graham, Florida
Representative Charles Clabaugh, Illinois
Representative Darvin Allen, Kentucky
Senator Oakley Collins, Ohio
Senator Bryce Baggett, Oklahoma
Representative Max Homer, Pennsylvania
Representative Manny Brown, Wisconsin
James Stratten, Division of Apprenticeship Standards, California
Frederick P. Thieme, President, University of Colorado
Richard Kosaki, Chancellor, New Campus, University of Hawaii
Wilson Elkins, President, University of Maryland
Edward Moore, Chancellor of Higher Education, Massachusetts
Karl Grittner, High School Principal, Minnesota
Everett Keith, Executive Secretary, Missouri Teachers Association
Ewald Nyquist, State Commissioner of Education, New York
Wm. P. Robinson, Jr., Assoc. Comm. of Education, Rhode Island
Cyril Busbee, State School Superintendent, South Carolina
Darld J. Long, Executive Director, Utah School Boards Association
Robert Babcock, Provost, Vermont State Colleges
Robert Williams, Exec. Sec., Virginia Education Association
Mrs. Eldra Shulterbrandt, Trustee, College of the Virgin Islands

Advisory Members

Governor William Egan, Alaska
Governor James Exon, Nebraska
Governor Arch Moore, West Virginia
Representative Peter Turnham, Alabama
Representative B. G. Hendrix, Arkansas
Representative Ernest Allen, Idaho
John Loughlin, Superintendent of Public Instruction, Indiana
William J. Dodd, State Superintendent of Education, Louisiana
Rev. John Bloh, Supt. of the Archdiocese, Trenton, New Jersey
Mrs. Ray Miller, School Board Member, Fargo, North Dakota
Abner McCall, President, Baylor University, Texas
Mrs. Jerome Freiberg, Seattle, Washington

The Education Commission of the States is a non-profit organization formed by interstate compact in 1966. Forty-four states and territories are now members. Its goal is to further a working relationship among state governors, legislators and educators for the improvement of the education. The Commission offices are located at 300 Lincoln Tower, 1860 Lincoln Street, Denver, Colorado 80203.